

Decision Record

Decision Record: WY-050-EA14-41

Fremont County Transportation Department - Lysite North of Railroad and Lost Cabin

Free Use Permits

WYW147157 and WYW168560

**S2SESW Sec. 1, N2NENW Sec. 12, T. 38 N., R.
91 W.
& SESWSE Sec. 14, NENWNE Sec. 23, T. 39 N.,
R. 90 W., 6th P.M., Fremont County, WY**

**Prepared by
U.S. Department of the Interior
Bureau of Land Management
Lander Field Office
Lander, Wyoming**

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Chapter 1. Environmental Assessment: WY-050–EA14–41

*Fremont County Transportation Department — Lysite North of Railroad and Lost Cabin
Free Use Permits*

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1.1. Introduction:

The Fremont County Transportation Department has held Free Use Permits for the Lost Cabin and Lysite N. of RR gravel pits since the late 1980's for production of sand and gravel used in construction and maintenance of county roads. The Permit for the Lysite N. of RR pit (WYW106237) expired on June 6, 2000, and another Permit (WYW147157) was applied for in 1999 but never approved by BLM. The Lost Cabin Pit Permit (WYW152039) expired on July 20, 2013. The County has continued to produce material out of these pits even though the permits are expired or not approved. In order for the County's use to be in compliance with the 43 CFR 3600 regulations, the pending permit for the Lysite N. of RR pit will need to be approved with an additional total production of 46,000 cubic yards (cy) of gravel and clay, and a new permit will be obtained for the expired Lost Cabin Pit for a total of 30,000cy of sand and gravel. Because mining, crushing, stockpiling, and reclamation have occurred at both of these pits since the late 1980's, the proposal will not expand the existing footprint of these pits.

1.2. Decision:

It is my decision to authorize the Free Use Permits submitted by Fremont County Transportation Department for the Lost Cabin and Lysite North of Railroad pits with the additional mitigation measures described under the Proposed Action that would be Conditions of Approval (COA) as described in the EA.

1.3. Rationale for Decision:

1.3.1. Conformance with Resource Management Plan and Land Use Plan(s):

Current policies for development and land use decisions within this area are contained in the *Lander Resource Area Resource Management Plan (RMP) EIS* (BLM, 1986) and the *Lander Resource Area RMP Record of Decision (ROD)* [BLM, 1987]. The Lander RMP allows for exploration and development of salable minerals subject to mitigation measures as appropriate.

In addition, the Selected Alternative is consistent with the LFO Proposed RMP Final EIS (BLM, 2013), and the pending BLM LFO RMP Revision, which has not currently been authorized or accepted, but is anticipated to be signed in 2014.

1.3.2. National Policy:

The Free Use Permits to be issued to Fremont County Transportation Department for the Lost Cabin and Lysite North of Railroad pits are authorizations under the 43 CFR 3600 regulations. The 3600 regulations allow for governmental agencies the free use of mineral materials on public lands under the Materials Sale Act of July 31, 1947, as amended, and the Federal Land Policy and Management Act of 1976, as amended. The BLM Mineral Materials Program is encouraged to allow development of salable minerals for use in the construction industry both free of charge to government entities and at no less than market value for private individuals. Therefore, the decision is consistent with national policy.

1.3.3. Agency Statutory Requirements:

The decision is consistent with all federal, state, and county authorizing actions required to implement the Proposed Action. All pertinent statutory requirements applicable to this proposal were considered including informal consultation and formal conferencing with the U.S. Fish and Wildlife Service (USFWS). Cultural surveys and compliance with Section 106 of the National Historic Preservation Act will be completed prior to approval of permits for individual components.

1.3.4. Relevant Resource and Economic Issues:

Potential environmental impacts from the Lost Cabin and Lysite Creek North of Railroad permits to resources identified in the Environmental Assessment are all deemed acceptable with mitigation. The economic benefits derived from the implementation of the Proposed Action in the form of continuing employment opportunities, equipment, services, and upgrade of public roads are considered important.

1.3.5. Application of Measures to Avoid or Minimize Environmental Impacts:

Federal environmental protection laws, such as the Clean Air Act, and the National Historic Preservation Act, apply to all lands and were considered in development of the EA. The adoption of measures identified in Chapters 2.0 and 3.0 of the EA provides practicable means to avoid or minimize potential environmental impacts. If conditions should warrant, additional measures could be applied to individual permits subject to additional analysis..

1.3.6. Compliance and Monitoring:

Monitoring will be done by the area Geologist or Surface Compliance Technician in coordination with the County and the Wyoming Department of Environmental Quality – Land Quality Division (WDEQ-LQD) to ensure compliance with this authorization.

1.4. Finding of No Significant Impacts:

Based upon the analysis contained in the Environmental Assessment WY-050-EA14-41, along with the implementation of protection measures, I have determined that the Proposed Action will not cause any significant impacts on the human, natural and physical environment. Therefore, an Environmental Impact Statement is not required.

1.5. Opportunity for Public Involvement:

Scoping is an important part of the National Environmental Policy Act (NEPA) process and is used to determine the scope of issues related to a Proposed Action (40 CFR 1500.7). The scoping process can involve federal, state and local government agencies, resource specialists, industry representatives, local interest groups and members of the public. Scoping is an interdisciplinary process.

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Agency Statutory Requirements:*

Staff specialists reviewed the proposal and identified impacts and appropriate mitigation measures through involvement with the EA and through resource clearance requests. It was determined that the nature of the action is routine and that a public notice session was not necessary.

1.6. Opportunity for Protest or Appeal:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, part 4, and Form 1842-1. The appellant has the burden of showing that the decision appealed from is in error. A petition pursuant to regulation 43 CFR 4.21 for a stay of the effectiveness of this decision may be filed during the time that the appeal is being reviewed by the Board.

1.7. Authorizing Official:

Field Manager, Lander Field Office, Richard VanderVoet
Attachment: EA No. WY-050-EA14-41

Date